

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
JUAN VILLAR-SANCHEZ)
)
Petitioner,)
)
v.) Civil Action No. 04-11811-NMG
)
JOSEPH McDONOUGH)
)
Respondent.)
)

09/16/04 P 1:07

U.S. DISTRICT COURT
DISTRICT OF MASS.

MOTION TO DISMISS

The respondent, Joseph McDonough, the Sheriff of Plymouth County, respectfully moves this Court to dismiss the above-captioned petition for writ of habeas corpus for failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). The petitioner has failed to exhaust state remedies as required by 28 U.S.C. § 2254 (b)(1)(A).

A memorandum in support of this Motion is attached.

Respectfully submitted,

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